

SECTION 23: OVERLAY ZONES

Section 23.0 - Purposes

Because of their special or unique characteristics and the need to implement specific sections of the Comprehensive Plan, the following Overlay Zones are established:

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Section 23.1: FPM--Floodplain Management Overlay Zone

Section 23.1-1: Statutory Authorization, Findings of Fact, Purpose and Methods

- A. Statutory Authorization: The Legislature of the State of Arizona has in ARS § 48-3601 through 48-3628 delegated the responsibility to each County Flood Control District to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Directors of the Flood Control District of Coconino County, Arizona, do ordain as follows:
- B. Findings of Fact:
1. The Flood hazard areas of Coconino County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for Flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 2. These Flood losses are caused by the cumulative effect of obstructions in Special Flood Hazard Areas which increase Flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately Flood proofed, elevated or otherwise protected from Flood damage also contribute to the Flood loss.
- C. Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to Flood conditions in specific areas by provisions designed:
1. To protect human life and health;
 2. To minimize expenditure of public money for costly Flood control projects;
 3. To minimize the need for rescue and relief efforts associated with Flooding and generally undertaken at the expense of the general public;
 4. To minimize prolonged business interruptions;
 5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, Streets and bridges located in Special Flood Hazard Areas;
 6. To help maintain a stable tax base by providing for the sound use and development of ~~areas of~~ Special Flood Hazard Areas so as to minimize future Flood blight areas;
 7. To insure that potential buyers are notified that property is in a Special Flood Hazard Area;
 8. To insure that those who occupy the Special Flood Hazard Areas assume responsibility for their actions; and
 9. To maintain eligibility for disaster relief.

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Section 23.1-1: Statutory Authorization, Findings of Fact, Purpose and Methods (Continued)

D. Methods of Reducing Flood Losses: In order to accomplish its purposes, this Ordinance includes methods and provisions for:

1. Restricting and prohibiting Uses which are dangerous to health, safety, and property due to water or Erosion hazards, or which result in damaging increases in Erosion or in Flood heights or velocities;
2. Requiring that Uses vulnerable to Floods, including facilities which serve such Uses, be protected against Flood damage at the time of initial construction;
3. Controlling the alteration of natural Floodplains, stream channels, and natural protective barriers, which help accommodate or channel Flood waters;
4. Controlling filling, grading, dredging, and other development which may increase Flood damage; and;
5. Preventing or regulating the construction of Flood barriers which will unnaturally divert Flood waters or which may increase Flood hazards in other areas.

Section 23.1-2: Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance it's most reasonable application.

ACCESSORY USE means a Use which is incidental and subordinate to the Principal Use of the parcel of land on which it is located.

ACCESSORY STRUCTURE means a Structure that is solely for the parking of no more than 2 cars; or limited storage and does not exceed 480 square feet in size.

ALLUVIAL FAN FLOODING means Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and, unpredictable flow paths.

APEX means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and Alluvial Fan Flooding can occur.

APPEAL means a request for a review of the Floodplain Administrator's interpretation of any provision of this Ordinance or a request for a Variance.

AREA OF SHALLOW FLOODING means a designated AO, AH, or VO Zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of Flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of Flooding is unpredictable and where velocity flow may be evident. Such Flooding is characterized by ponding or sheet flow.

BACKFILL means the placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving Flood water conveyance or to restore the land to the natural contours existing prior to excavation.

BASE FLOOD means the Flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT means any area of the Building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL means a wall that is not part of the structural support of the Building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the Building supporting foundation system.

COMMUNITY means any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization which has authority to adopt and enforce Floodplain management regulations for the area within its jurisdiction.

CRITICAL FEATURE means an integral and readily identifiable part of a Flood Protection System without which the Flood protection provided by the entire system would be compromised.

DEVELOPMENT means any human-made change to improved or unimproved real estate, including but not limited to Buildings or other Structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of materials and equipment located within the Special Flood Hazard Area.

ENCROACHMENT means the advance or infringement of Uses, plant growth, fill, excavation, Buildings, permanent Structures or development into a Floodplain which may impede or alter the flow capacity of a Floodplain.

EROSION means the process of the gradual wearing away of land masses. This peril is not per se covered under the program. (See FLOOD-RELATED EROSION.)

EXISTING MANUFACTURED HOME PARK or SUBDIVISION means a Manufactured Home Park or Subdivision for which the construction of facilities for servicing the Lots on which the Manufactured Homes are to be affixed (including, at a minimum, the installation of utilities, the construction of Streets, and either final site grading or the pouring of concrete slabs) is completed before the effective date of the Floodplain management regulations adopted by the Community.

FINANCIAL ASSISTANCE means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect federal assistance, other than general or special revenue sharing or formula grants made to States.

FLOOD or FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of Flood waters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of Erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash Flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in Flooding as defined in this definition.

FLOOD INSURANCE RATE MAP (FIRM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the Community.

FLOOD INSURANCE STUDY means the official report provided by the Federal Insurance Administration that includes Flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base Flood.

FLOODPLAIN or FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source (see definition of "Flood").

FLOODPLAIN ADMINISTRATOR means the Director of Community Development who is hereby authorized by the Floodplain Board to administer and enforce the provisions of this Ordinance.

FLOODPLAIN BOARD means the Board of Directors of the Flood Control District of Coconino County at such times as they are engaged in the enforcement of this Ordinance.

FLOODPLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing Flood damage and preserving and enhancing, where possible, natural resources in Floodplains, including but not limited to emergency preparedness plans, Flood control works and Floodplain Management Regulations.

FLOOD PLAIN MANAGEMENT REGULATIONS means this Ordinance and other Zoning ordinances, Subdivision regulations, Building codes, health regulations, special purpose ordinances (such as Floodplain ordinance, grading ordinance and Erosion control ordinance) and other applications or police power which control development in Flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing Flood loss and damage.

FLOOD PROTECTION SYSTEM means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify Flooding in order to reduce the extent of the area within a community subject to "Special Flood Hazard" and the extent of the depths of associated Flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized Flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING means any combination of structural and non-structural additions, changes, or adjustments to Structures which reduce or eliminate Flood damage to real estate or improved real property, water and sanitary facilities, Structures and their contents.

FLOOD-RELATED EROSION means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in Flooding.

FLOOD-RELATED EROSION AREA MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing Flood-related Erosion damage, including, but not limited to, emergency preparedness plans, Flood-related Erosion control works, and Floodplain Management Regulations.

FLOODWAY means the channel of a river or other Watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway".

FLOODWAY FRINGE is that area of the Floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

FREEBOARD means a factor of safety usually expressed in feet above a Flood level for purposes of Floodplain Management. "Freeboard" tends to compensate for the many unknown factors that could contribute to Flood heights greater than the height calculated for a selected size Flood and Floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE means a Use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship Building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

GOVERNING BODY is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

HARDSHIP as related to Section 23.1-8, Variances, of this Ordinance means the exceptional hardship that would result from a failure to grant the requested Variance. The governing body requires that the hardship be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a Structure.

HISTORIC STRUCTURE means any Structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either;
 1. By an approved state program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in states without approved programs.

LEVEE means a human-made Structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary Flooding.

LEVEE SYSTEM means a Flood Protection System which consists of a Levee, or Levees, and associated Structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including Basement). An unfinished or Flood resistant enclosure, usable solely for parking of vehicles, Building Access or storage in an area other than a Basement area is not considered a Building's lowest floor; provided, that such enclosure is not built so as to render the Structure in violation of the applicable non-elevation design requirements of this Ordinance.

MANUFACTURED HOME means a Structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more Manufactured Home Lots for sale or rent.

MARKET VALUE shall be determined by estimating the cost to replace the Structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the Structure was constructed. The cost of replacement of the Structure shall be based on a square foot cost factor determined by reference to a Building cost estimating guide recognized by the Building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized Building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

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MEAN SEA LEVEL means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

MUDSLIDE (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A Mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

MUDSLIDE (i.e., MUDFLOW) AREA MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing Mudslide (i.e., mudflow) damage, including, but not limited to, emergency preparedness plans, mudslide control works, and Floodplain Management Regulations.

MUDSLIDE (i.e., MUDFLOW) PRONE AREA means an area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

NEW CONSTRUCTION means, for the purposes of determining insurance rates, Structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such Structures. For Floodplain Management purposes, "New Construction" means Structures for which the "start of construction" commenced on or after the effective date of a Floodplain Management Regulation adopted by the Flood Control District and includes any subsequent improvements to such Structures.

NEW MANUFACTURED HOME PARK or SUBDIVISION means a Manufactured Home Park or subdivision for which the construction of facilities for servicing the Lots on which the Manufactured Homes are to be affixed (including at a minimum, the installation of utilities, the construction of Streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of Floodplain Management Regulations adopted by the community.

OBSTRUCTION includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, Building, wire, fence, rock, gravel, refuse, fill, Structure, vegetation, or other material in, along, across, or projecting into any Watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

ONE HUNDRED YEAR FLOOD means the Flood having a one percent chance of being equaled or exceeded in any given year (see "BASE FLOOD").

PERSON means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

PROGRAM means the National Flood Insurance Program authorized by 42 U.S.C. 4001-4128.

PROGRAM DEFICIENCY means a defect in a community's Floodplain Management Regulations or administrative procedures that impairs effective implementation of those Floodplain Management Regulations or of the NFIP standards.

RECREATIONAL VEHICLE means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION means an elevation one foot above the Base Flood Elevation for a Watercourse for which the Base Flood Elevation has been determined and shall be as determined by the criteria developed by the director of water resources for all other Watercourses.

REGULATORY FLOODWAY means the channel of a river or other Watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than a designated height.

REMEDY A VIOLATION means to bring the Structure or other development into compliance with State or local Floodplain Management Regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the Structure or other affected development from Flood damages, implementing the enforcement provision of this Ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the Structure or other development.

REPETITIVE LOSS STRUCTURE means a Structure, covered by a contract for flood insurance issued pursuant to the National Flood Insurance Act, that has incurred Flood-related damage on two occasions during any 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the Flood damage, on average, equaled or exceeded 25% of the market value of the Structure at the time of each such Flood event.

RIVERINE means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SHEET FLOW AREA (see "AREA OF SHALLOW FLOODING").

SPECIAL FLOOD HAZARD AREA means an area in the Floodplain subject to a 1 percent or greater chance of Flooding in any given year. It is shown a Flood Boundary and Floodway Map or Flood Insurance Rate Map as Zone A, AO, A1-30, AE, A99, or AH.

START OF CONSTRUCTION includes substantial improvement and other proposed development, and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a Structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a Manufactured Home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of Streets and/or walkways; nor does it include excavation for a Basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory Buildings, such as Garages or sheds not occupied as Dwelling Units or not part of the main Structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building.

STRUCTURE means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a Manufactured Home.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition or other improvement of a Structure, the cost of which equals or exceeds 50 percent of the market value of the Structure before the “start of construction” of the improvement. This term includes Structures which have incurred “Substantial Damage”, regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a Structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a “Historic Structure”, provided that the alteration will not preclude the Structure’s continued designation as a “Historic Structure”.

VARIANCE means a grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

VIOLATION means the failure of a Structure or other development to be fully compliant with the community’s Floodplain Management Regulations. A Structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of Floods of various magnitudes and frequencies in the Floodplains of Riverine areas.

WATERCOURSE means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which Substantial Flood Damage may occur.

WATERCOURSE MASTER PLAN means a hydraulic plan for a Watercourse that examines the cumulative impacts of existing development and future encroachment in the Floodplain and future development in the watershed on potential Flood damages, and establishes technical criteria for subsequent development so as to minimize potential Flood damages for all Flood events up to and including the One Hundred-Year Flood

Section 23.1-3: General Provisions--FPM Zone

- A. Lands to Which This Ordinance Applies: This ordinance shall apply to all Special Flood Hazard Areas within the boundaries of Coconino County except those incorporated cities and town which have adopted a resolution in accordance with ARS § 48-3610.
- B. Basis for Establishing the Areas of Special Flood Hazard Areas: The Special Flood Hazard Areas identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Coconino County, dated September 3, 2010 with accompanying Flood Insurance Rate Maps (FIRMs), dated September 3, 2010 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Ordinance. This Flood Insurance Study and attendant mapping is the minimum area of applicability of this Ordinance and may be supplemented by studies for other areas which allow implementation of this Ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator. The Board, within its area of jurisdiction shall delineate (or may by rule require developers of land to delineate) for areas where development is ongoing or imminent, and thereafter as development becomes imminent, Floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of Water Resources. The FIS and FIRMs are on file at the Department of Community Development, 2500 N. Fort Valley Road, Flagstaff.
- C. Compliance: All development of land, construction of residential, commercial or industrial Structures or future development, or Uses of any kind conducted on land areas located within the Floodplain Management Overlay Zone shall be accomplished in complete conformance with the provisions of this Section and other applicable regulations. Proposed actions which may divert, retard or obstruct Flood waters or in any way threaten public health, safety or the general welfare must first be reviewed and approved by the County Engineer and may be initiated only after a finding has been made that serious detrimental impacts will not occur.
- D. Abrogation and Greater Restrictions: This Ordinance is not intended to repeal, abrogate, or impair any existing Easements, covenants, or deed restrictions. However, where this Ordinance and another ordinance, Easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Interpretation: In the interpretation and application of this Ordinance, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and,
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

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Section 23.1-3: General Provisions--FPM Zone (Continued)

F. Warning and Disclaimer of Liability: The degree of Flood Protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger Floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This Ordinance does not imply that land outside the ~~areas of~~ Special Flood Hazard Areas or Uses permitted within such areas will be free from Flooding or Flood damages. This Ordinance shall not create liability on the part of Coconino County, any officer or employee thereof, the State of Arizona, the Federal Insurance Administration, or the Federal Emergency Management Agency, for any Flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

G. Statutory Exemptions:

1. In accordance with ARS § 48-3609.H, regulations herein adopted for the FPM Overlay Zone shall not affect:
 - a. Existing legal Uses of property or the right to continuation of such legal Uses. However, if a nonconforming Use of land, Building or Structure is discontinued for 12 months or destroyed to the extent of 50 percent of its value, as determined by a competent appraiser, any further Use shall comply with this Ordinance and regulations of Coconino County.
 - b. Reasonable repair or alteration of property for the purposes for which the property was legally used on May 6, 1978, or the effective date of any regulations affecting such property, except that any alteration, addition or repair to a nonconforming Building or Structure which would result in increasing its Flood damage potential by fifty per cent or more shall be either Floodproofed or elevated to or above the regulatory Base Flood Elevation.
 - c. Reasonable repair of Structures constructed with the written authorization required by ARS §48-3613.
 - d. Facilities constructed or installed pursuant to a certificate of environmental compatibility issued pursuant to Title 40, Chapter 2, Article 6.2.
2. In accordance with ARS § 48-3613, written authorization shall not be required, nor shall the Floodplain Board prohibit:
 - a. The construction of bridges, culverts, dikes and other Structures necessary to the construction of public highways, Roads and Streets intersecting or crossing a Watercourse.
 - b. The construction of storage dams for watering Livestock or wildlife, Structures on banks of a Watercourse to prevent Erosion of or damage to adjoining land if the Structure will not divert, retard or obstruct the natural channel of the Watercourse, or dams for the conservation of Flood waters as permitted by ARS Title 45, Chapter 6.

Section 23.1-3: General Provisions--FPM Zone (Continued)

- c. Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in any Watercourse from complying with and acquiring authorization from the Board pursuant to regulations adopted by the Board under this Section.
 - d. Other construction if it is determined by the Board that written authorization is unnecessary.
 - e. Any Flood control district, county, city, town, or other political subdivision, from exercising powers granted to it under Title 48, Chapter 21, Article 1.
 - f. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and Recreation Facilities by a public agency or political subdivision.
 - g. The construction and erection of poles, towers, foundations, support Structures, guy wires, and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.
3. Before any construction authorized by subsection 23.1-3.G.2 of this Section may begin, the responsible person must submit plans for the construction to the Floodplain Board for review and comment.
4. In addition to other penalties or remedies otherwise provided by law, this State, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this Section or regulations adopted pursuant to ARS Title 45, Chapter 10. If a person is found to be in violation of this section, the court shall require the violator to either comply with this section if authorized by the board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation including reasonable costs and attorney fees.

H. Declaration of Public Nuisance:

Every new Structure, Building, fill, excavation or development located or maintained within any Special Flood Hazard Area after August 8, 1973 in violation of this Ordinance is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

I. Abatement of Violations:

Within 30 days of discovery of a Violation of this Ordinance, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said Violation. Within 30 days of receipt of this report, the Floodplain Board shall either:

Section 23.1-3: General Provisions--FPM Zone (Continued)

1. Take any necessary action to effect the abatement of such Violation; or
2. Issue a Variance to this Ordinance in accordance with the provisions of Section 23.1-8 herein; or
3. Order the owner of the property upon which the Violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within 30 days of such order, and they shall submit an amended report to the Floodplain Board within 20 days. At their next regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said Violation or they shall grant a Variance in accordance with the provisions herein established; or
4. Submit to the Administrator of the Federal Insurance Administration a declaration for denial of insurance, stating that the property is in Violation of a cited State or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

J. Unlawful Acts:

1. It is unlawful for any person to engage in any development or to divert, retard or obstruct the flow of waters in any Watercourse whenever it creates a hazard to life or property without securing the written authorization of the Floodplain Board per ARS 48-3613. Where the Watercourse is a delineated Floodplain, it is unlawful to excavate or build any Structure affecting the flow of waters without securing written authorization of the Floodplain Board.
2. Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor. Each day that a Violation continues shall be a separate offense punishable as hereinabove described.

K. Severability:

These Floodplain Management Regulations and the various parts thereof are hereby declared to be severable. Should any Section of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Section 23.1-4: Permitted and Conditional Uses--FPM Zone

Within the Floodplain Overlay Zone, the following Uses shall be permitted where the symbol “P” appears and shall be permitted subject to the granting of a Conditional Use permit where the symbol “C” appears unless otherwise prohibited by the underlying Zoning District:

A. Agricultural Uses

FPM Zone

- | | |
|------------------------------|---|
| 1. Agriculture and Gardening | P |
|------------------------------|---|

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Section 23.1-4: Permitted and Conditional Uses--FPM Zone (Continued)

<u>A. Agricultural Uses</u>	<u>FPM Zone</u>
2. The non-commercial keeping of horses and other Livestock not including chickens, Rabbits or common household pets subject to the following conditions: <ul style="list-style-type: none">a. A minimum of one (1) acre of land shall be required for the maintenance of such animals.b. Three such animals may be maintained on the first acre and up to one additional animal for each additional one half acre.c. No such animal may be sheltered, fed, or watered closer than 100 feet to a residence occupied by other persons.d. The keeping of all animals shall be subject to the regulations and conditions of the Coconino County Health District and Animal Management Division.	P
3. Agricultural experimental facilities	P
4. Agricultural Uses wherein a building or structure is proposed within a Floodplain	C
5. Agricultural Uses conducted for commercial purposes on parcels of less than 5 acres	C
<u>B. Other Uses</u>	<u>FPM Zone</u>
1. Flood Control Facilities (subject to the conditions as outlined in Section 23.1-3.C)	P
2. Dredging and filling subject to the approval of the County Engineer. On federal designated waterways, such operations also shall be subject to the approval of the Army Corps of Engineers	P
3. Parking lots	P
4. Parks and open outdoor Recreational Facilities	P
5. All other Uses permitted in the underlying zone with which the FPM Zone is combined except that Single Family Residences in the G, AR, RR and RS Zones shall be permitted subject to compliance with these regulations	C

Section 23.1-5: Administration

- A. Establishment of Floodplain Permit: A Floodplain Permit shall be obtained before, grading or placing fill, installation of utilities, construction or development, including the installation of wastewater systems and the placement of Manufactured Homes, begins within any Special Flood Hazard Areas established in Section 23.1-3.B. Application for a Floodplain Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to:
1. A completed Coconino County Floodplain Permit application form including project name, Assessor's parcel number, project location, existing zoning, existing land use, project description, name of the applicant, applicant mailing address, phone number, fax number and email address, owner information, engineer or surveyor information, assessor's parcel number, identification of possible flood hazards, and identification of methods of construction.
 2. Three copies of a scaled site plan drawn to standard engineer scale showing the nature, location, dimensions, and elevation of the area in question; north arrow, means of access, easements, topography, watercourses, walls or fences, wastewater systems, utilities and existing or proposed Structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

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Section 23.1-5: Administration (Continued)

- a. Proposed elevation and method of elevation in relation to mean sea level, of the lowest floor (including Basement) of all Structures provided by a Certified Professional Engineer or Registered Land Surveyor; in Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all Structures;
- b. Proposed elevation in relation to mean sea level to which any non-residential Structure will be Floodproofed;
- c. Certification by a registered professional engineer or architect that the Floodproofing methods for any nonresidential Structure meet the Floodproofing criteria in Section 23.1-6.A.3.c; and
- d. Description of the extent to which any Watercourse will be altered or relocated as a result of proposed development.
- e. Base Flood Elevation data for subdivision proposals or other development greater than 50 lots or 5 acres.

B. Floodplain permit timeframes pursuant to ARS § 48-3645 are as follows:

1. Administrative completeness shall be determined within 30 calendar days of the submittal Floodplain Permit application. Applicants will be notified in writing of an incomplete application with a list of deficiencies. Notice in writing of application deficiencies shall suspend the administrative completeness timeframe until such time as all deficiencies have been addressed.
2. Substantive review of all Floodplain Permit applications shall be completed within 30 calendar days from the determination that the Floodplain Permit application is administratively complete. One written request for additional information may be made to the applicant during this review process.
3. The total time for the granting or denying of a Floodplain Permit is 60 days.
4. Timeframes are tolled and may be waived in accordance with A.R.S. § 48-3641 et seq.

C. Issuance of Floodplain Permits shall comply with the following:

1. Floodplain Permits shall be issued when compliance with this Ordinance is verified. If the Floodplain Administrator determines that the proposed development does not comply with this Ordinance, the permit shall be denied.
2. No work shall commence on any site until the issuance of a Floodplain Permit. No Floodplain Permit shall be issued if the development is in Violation of other laws or impairs property rights. The Floodplain Administrator will determine if the Violation or impairment exists with appeal to the Floodplain Board of Coconino County.

D. Designation of the Floodplain Administrator: The Director of the Department of Community Development is hereby appointed to administer, implement, and enforce this Ordinance by granting or denying Development Permits in accordance with its provisions

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Section 23.1-5: Administration (Continued)

- E. Duties and Responsibilities of the Floodplain Administrator: Duties of the Floodplain Administrator shall include, but not be limited to:
1. Review all Development Permits to determine that:
 - a. The permit requirements of this Ordinance have been satisfied;
 - b. All other required state and federal permits have been obtained;
 - c. The site is reasonably safe from Flooding;
 - d. The proposed development does not adversely affect the carrying capacity of areas where Base Flood Elevations have been determined but a Floodway has not been designated. For purposes of this Ordinance, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development, will increase the Water Surface Elevation of the Base Flood more than one foot at any point.
 2. Substantial Improvement and Substantial Damage Procedure. Using FEMA publication FEMA 213, “Answers to Questions about Substantially Damaged Buildings,” develop detailed procedures for identifying and administering requirements for Substantial Improvement and Substantial Damage, to include defining “Market Value.” Assure procedures are coordinated with other departments and divisions and implemented by community staff.
 3. Use of Other Base Flood Data. When Base Flood Elevation data has not been provided in accordance with Section 23.1-3.B, for example in A Zones for which detailed studies have not been done, or areas subject to Flooding which have not been designated by FEMA on FIRM’s, the Floodplain Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state or other source, in order to administer Section 23.1-6. The Floodplain Administrator may require that a hydrologic study which determines Base Flood Elevation be prepared by a Professional Engineer and be submitted by the property owner prior to the submission of a development or Building Permit application. Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Director of Water Resources and shall be submitted to the Floodplain Board for adoption.
 4. Obtain and maintain for public inspection and make available as needed for Flood Insurance Policies or effecting Increased Cost of Construction Coverage for Repetitive Loss Structures:
 - a. The certified Regulatory Flood Elevation required in Section 23.1-6.A.3.a;
 - b. The Floodproofing certification required in Section 23.1-6.A.3.c.i;
 - c. The Flood vent certification required in Section 23.1-6.A.3.d; and
 - d. The elevation certification required for additional development standards, including Subdivisions, in Section 23.1-6.D.
 - e. The Floodway encroachment certification required in Section 23.1-6.G.

Section 23.1-5: Administration (Continued)

- f. Maintain a record of all Variance actions, including justification for their issuance, and report such Variances issued in it biennial report submitted to the Federal Emergency Management Agency.
 - g. Obtain and maintain improvement calculations.
5. Whenever a Watercourse is to be altered or relocated:
- a. Notify adjacent communities and the Arizona Department of Water Resources prior to such alteration or relocation of a Watercourse, and submit evidence of such notification to the Federal Insurance Administration through appropriate notification means;
 - b. Require that the Flood carrying capacity of the altered or relocated portion of said Watercourse is maintained.

Prior to the alteration of any Watercourse the County Engineer shall review and revise as necessary all plans for proposed stream modifications.

6. Base Flood Elevation and rate of flow due to physical alterations:
- a. Base Flood Elevations may increase or decrease resulting from physical changes affecting Flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting Flooding conditions, risk premium rates and Floodplain Management Requirements with be based upon current data.
 - b. Within one hundred twenty days after completion of construction of any Flood control protective works which change the rate of flow during the Flood or the configuration of the Floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all Floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of Water Resources.
6. Advise in writing and provide a copy of any development plan, to any city or town which has assumed jurisdiction over its Floodplains in accordance with ARS § 48-3610, of any application for a Floodplain use permit or Variance to develop land in a Floodplain or Floodway within one mile of the corporate limits of such city or town. The District shall also advise such city or town in writing and provide a copy of any development plan of any major development proposed within a Floodplain or Floodway which could affect Floodplains, Floodways, or Watercourses within such city's or town's area of jurisdiction. Written notice and a copy of the plan of development shall be sent to such city or town no later than three working days after having been received by the District.

Revised 11/83, 1/85, 4/87, 12/00, 10/13

Section 23.1-5: Administration (Continued)

7. Make interpretations where needed, as to the exact location of the boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 23.1-8.
8. Take actions on Violations of this Ordinance as required in Section 23.1-3.I herein.
9. Notify the Administrator and Director of Water Resources of acquisition by means of annexation, incorporation, or otherwise, of additional areas of jurisdiction.

Section 23.1-6: Provisions for Flood Hazard Reduction

A. Standards of Construction: In all Special Flood Hazard Areas the following standards are required:

1. Anchoring
 - a. All New Construction and Substantial Improvements shall be anchored to prevent flotation, collapse, or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. All Manufactured Homes shall meet the anchoring standards of Section 23.1-6.E below.
2. Construction Materials and Methods
 - a. All New Construction and Substantial Improvements shall be constructed with materials and utility equipment resistant to Flood damage.
 - b. All New Construction and Substantial Improvements shall be constructed using methods and practices that minimize Flood damage.
 - c. All New Construction, Substantial Improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of Flooding.
 - d. Require within Zones AH or AO that adequate drainage paths around Structures on slopes guide Flood waters around and away from proposed or existing Structures.

3. Elevation and Floodproofing

- a. New residential Construction and Substantial Improvement of any Structure in Zones AE, AH and A1-30 shall have the lowest floor, including Basement, elevated to or above the Regulatory Flood Elevation. In an A Zone where a BFE has not been determined, any Structure shall be elevated to or above the regulatory flood elevation or be elevated in accordance with the criteria developed by the Director of the Arizona Department of Water Resources. Nonresidential Structures may meet the standards of Section 3.c below. Upon the completion of the Structure the elevation of the lowest floor, including Basement, shall be certified by a registered professional engineer or registered land surveyor verified by the community building inspector and provided to the Floodplain Administrator.
- b. New residential Construction and Substantial Improvement of any Structure in Zone AO shall have the lowest floor, including Basement, higher than the highest adjacent Grade at least one foot higher than the depth number on the FIRM, or at least two feet if no depth number is specified. Nonresidential Structures may meet the standards in Subsection 23.1-6.A.3.c below. Upon completion of the Structure a registered professional engineer or registered land surveyor shall certify to the Floodplain Administrator that the elevation of the Structure meets this standard verified by the community building inspector.
- c. Nonresidential construction, New or Substantial Improvement, shall either be elevated in conformance with Subsections a or b above or together with attendant utility and sanitary facilities:
 - i. be Floodproofed so that below the regulatory flood level the Structure is watertight with walls substantially impermeable to the passage of water;
 - ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - iii. be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.
- d. Require, for all New Construction and Substantial Improvements, that fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, Building access or storage in an area other than a Basement and which are subject to Flooding shall be designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by either a registered professional engineer or architect to meet or exceed the following minimum criteria:
 - i. A minimum of two openings on different side of each enclosed area, with a total net area of not less than one square inch for every square foot of enclosed area subject to Flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above Grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of Floodwaters.

Section 23.1-6: Provisions for Flood Hazard Reduction (Continued)

- iv. If it is not feasible or desirable to meet the openings criteria stated above, a registered engineer or architect may design and certify the openings.
- e. Manufactured Homes shall meet the above standards and also the standards in Section 23.1-6.E.
- f. A Garage attached to a residential Structure, constructed with the Garage floor slab below the Regulatory Flood Elevation, must be designed to allow for the automatic entry of Flood waters. See Section 23.1-6.3.d. Areas of the Garage below the Regulatory Flood Elevation must be constructed with Flood resistant materials. See Section 23.1-6.2. A Garage attached to a nonresidential Structure must meet the above requirements or be dry Floodproofed.
- h. Detached Accessory Structures used solely for parking (2 car detached Garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 23.1-2, may be constructed such that its floor is below the regulatory flood elevation, provided the structure is designed and constructed in accordance with the following requirements:
 - i. Use of the Accessory Structure must be limited to parking or limited storage.
 - ii. The portions of the Accessory Structure located below the Regulatory Flood Elevation must be built using Flood-resistant materials.
 - iii. The Accessory Structure must be adequately anchored to prevent floatation, collapse or lateral movement.
 - iv. Any mechanical and utility equipment in the Accessory Structure must be elevated or Floodproofed to or above the Regulatory Flood Elevation.
 - v. The Accessory Structure must comply with Floodplain encroachment provisions in Section 23.1-6.G.
 - vi. The Accessory Structure must be designed to allow for the automatic entry of Flood waters in accordance with Section 23.1-3.d.
 - vii. Detached Garages and Accessory Structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 23.1-6.

B. Standards for Storage of Materials and Equipment:

1. The storage or processing of materials that are, in time of Flooding, buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
2. Storage of other material or equipment may be allowed if not subject to major damage by Floods, and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after Flood warning.

Section 23.1-6: Provisions for Flood Hazard Reduction (Continued)

C. Standards for Utilities:

1. All new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of Flood waters into the system and discharge from systems into Flood waters.
2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during Flooding.
3. All new and replacement sanitary sewage systems for development projects in identified Floodplain areas shall meet all requirements of the State and/or County Health Departments and shall be designed to minimize or eliminate infiltration of Flood waters. On-site effluent disposal systems shall not be installed wholly or partially within the designated regulatory Floodway. On-site waste disposal systems shall be located so as to avoid their impairment during Flood conditions as well as to preclude contamination from them during Flooding. Waste disposal systems shall not be installed in a regulatory Floodway.

D. Standards for Subdivisions:

1. All new Subdivision proposals and other proposed development (including proposals for Manufactured Home Parks and Subdivisions), greater than 50 lots or 5 acres, whichever is the lesser, shall:
 - a. Identify the Special Flood Hazard Areas and the elevation of the Base Flood.
 - b. Identify on the final plans the elevations(s) of the proposed Structure(s) and pads. If the site is filled above the Base Flood Elevation, the final lowest floor and Grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
 - i. All Subdivision proposals and other proposed development shall be consistent with the need to minimize Flood damage.
 - ii. All Subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize Flood damage.
 - iii. All Subdivision proposals and other proposed development shall provide adequate drainage to reduce exposure to Flood hazards.

E. Standards for Manufactured Homes: All Manufactured Homes that are placed or Substantially Improved shall:

1. Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the Regulatory Flood Elevation; and

Section 23.1-6: Provisions for Flood Hazard Reduction (Continued)

2. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and Local anchoring requirements for resisting wind forces.

F. Standards for Recreational Vehicles: All Recreational Vehicles placed on site will either:

1. Be on site for fewer than 180 consecutive days, and be fully licensed and ready for highway use. A Recreational Vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
2. Meet the permit requirements of Section 23.1-5 of this Ordinance and the elevation and anchoring requirements for Manufactured Homes in Section 23.1-6.E (or 23.1-6.A.3.e).

G. Floodways: Located within Special Flood Hazard Areas established in Section 23.1-3.B are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of Flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, New Construction, Substantial Improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in Flood levels during the occurrence of the Base Flood discharge.
2. If Section 23.1-6.G.1 is satisfied, all New Construction and Substantial Improvements shall comply with all other applicable Flood hazard reduction provisions of Section 23.1-6.

H. Flood-related Erosion-prone Areas:

1. The Floodplain Administrator shall require permits for proposed construction and other development within all Flood-Related Erosion-prone areas as known to the community.
2. Permit applications shall be reviewed to determine whether the proposed Site alterations and improvements will be reasonably safe from Flood-Related Erosion and will not cause Flood-Related Erosion hazards or otherwise aggravate the existing hazard.
3. If a proposed development is found to be in the path of Flood-Related Erosion or would increase the Erosion hazard, such improvements shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing Erosion hazard.
4. Within Zone E on the Flood Insurance Rate Map, a Setback is required for all new development from the lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the Flood-Related Erosion hazard and Erosion rate, in relation to the anticipated "useful life" of Structures, and depending upon the geologic, hydrologic, topographic, and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable Structures only.

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Section 23.1-7: Property Development Standards--FPM Zone

- A. All performance, development and maintenance standards, including screening and Landscaping, off-street parking and Sign regulations, shall be as set forth in the underlying zone with which the FPM Zone is combined.
- B. Such other performance, development and maintenance standards as may be specified in a conditional use permit required for any use also shall be applicable.
- C. In a Floodplain where no Floodway is identified, all Structures, except as authorized by Section 23.1-3.C, shall be set back five feet from the bank(s) of the Watercourse as determined by the County Engineer.
- D. All development proposals for land areas greater than five acres, wherein at least a portion of the subject property is located in an identified Floodplain area, shall clearly indicate the Base Flood Elevation data as shown on the Flood Insurance Rate Maps (FIRMs).
- F. Flood retarding or protection Structures such as walls or berms may be constructed in identified Floodplain areas if, in the opinion of the County Engineer, such Structures will ensure the protection of properties, Buildings and public safety. Such Structures shall be constructed in accordance with plans and specifications prepared by an engineer registered and licensed to practice in the State of Arizona and as approved by the County Engineer. Such Structures shall not create any detrimental impact or increase Flood hazards on upstream or downstream properties.

Section 23.1-8: Variance Procedure

A. Nature of Variances:

The Variance criteria set forth in this section of the Ordinance are based on the general principle of zoning law that Variances pertain to a piece of property and are not personal in nature. A Variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the Structure, its inhabitants, or the property owners.

It is the duty of Coconino County to help protect its citizens from Flooding. This need is so compelling and the implications of the cost of insuring a Structure built below the Regulatory Flood Elevation are so serious that Variances from the Flood elevation or from other requirements in the Flood Ordinance are quite rare. The long-term goal of preventing and reducing Flood loss and damage can only be met if Variances are strictly limited. Therefore, the Variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a Variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a Variance are more appropriate.

Variances from the provisions of this Section shall be issued only upon consideration and review of technical documentation, prepared by a registered engineer and acceptable to the Floodplain Administrator showing that the objectives of Flood hazard reduction would not be contradicted by the granting of a Variance and that the Variance is the minimum necessary, considering the Flood hazard, to afford relief.

Revised 11/83, 1/85, 4/87, 12/00, 10/13

Section 23.1-8: Variance Procedure (Continued)

B. Appeal Board:

1. The following information shall be submitted when applying for a Floodplain Variance:
 - a. A completed Coconino County Floodplain Variance application form including name and address of the applicant, name of contact person, phone number, fax number and email address, Assessor's Parcel Number, Subdivision/unit/lot, site address/location, zoning, existing land use, lot size, variance request description, and property owner's authorization by their signature.
 - b. A typewritten narrative describing the precise nature of the Variance requested.
 - c. Seven (7) copies of a site plan drawn to scale using accurate dimensions showing property boundaries and any adjacent property affected.
 - d. A list of all owners of property within three hundred feet (300') of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.
 - e. A survey of the property subject to the request may be required based on the specific Variance.
2. The Floodplain Board of Coconino County shall hear and decide appeals and requests for Variances from the requirements of this Ordinance.
3. The Floodplain Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.
4. In passing upon such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and:
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger of life and property due to Flooding or Erosion damage;
 - c. the susceptibility of the proposed facility and its contents to Flood damage and the effect of such damage on the individual owner;
 - d. the importance of services provided by the proposed facility to the community;
 - e. the necessity to the facility of a waterfront location, where applicable;
 - f. the availability of alternative locations for the proposed Use which are not subject to Flooding or Erosion damage;
 - g. the compatibility of the proposed Use with existing and anticipated development;

Section 23.1-8: Variance Procedure (Continued)

- h. the relationship of the proposed Use to the Comprehensive Plan and Floodplain Management program for that area;
 - i. the safety of access to the property in time of Flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise, and sediment transport of the Flood waters expected at the Site; and,
 - k. the costs of providing governmental services during and after Flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and Streets and bridges.
5. Upon consideration of the factors of Section 23.1-8.B.4 and the purposes of this Ordinance, the Floodplain Board may attach such conditions to the granting of Variances as it deems necessary to further the purposes of this Ordinance.
6. Any applicant to whom a Variance is granted shall be given written notice over the signature of a County official that:
- a. the issuance of a Variance to construct a structure below the Base Flood level will result in increased premium rates for Flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - b. such construction below the Base Flood level increases risks to life and property.
- Such notification shall be maintained with a record of all Variance actions as required in Section 23.1-8.B.7 of this Ordinance. Such notice will also state that the land upon which the Variance is granted shall be ineligible for exchange of land pursuant to any Flood relocation and land exchange program. A copy of the notice shall be recorded by the Floodplain Board in the office of the Coconino County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
7. The Floodplain Administrator shall maintain a record of all Variance actions, including justification for their issuance, and report such Variances issued in its biennial report submitted to the Federal Emergency Management Agency.

C. Conditions for Variances:

- 1. Generally, Variances may be issued for New Construction and Substantial Improvements to be erected on a Lot of one-half acre or less in size contiguous to and surrounded by Lots with existing Structures constructed below the Base Flood level, providing the procedures of Sections 23.1-5 and 23.1-6 of this Ordinance have been fully considered. As the Lot size increases beyond one-half acre, the technical justification required for issuing the Variance increases.

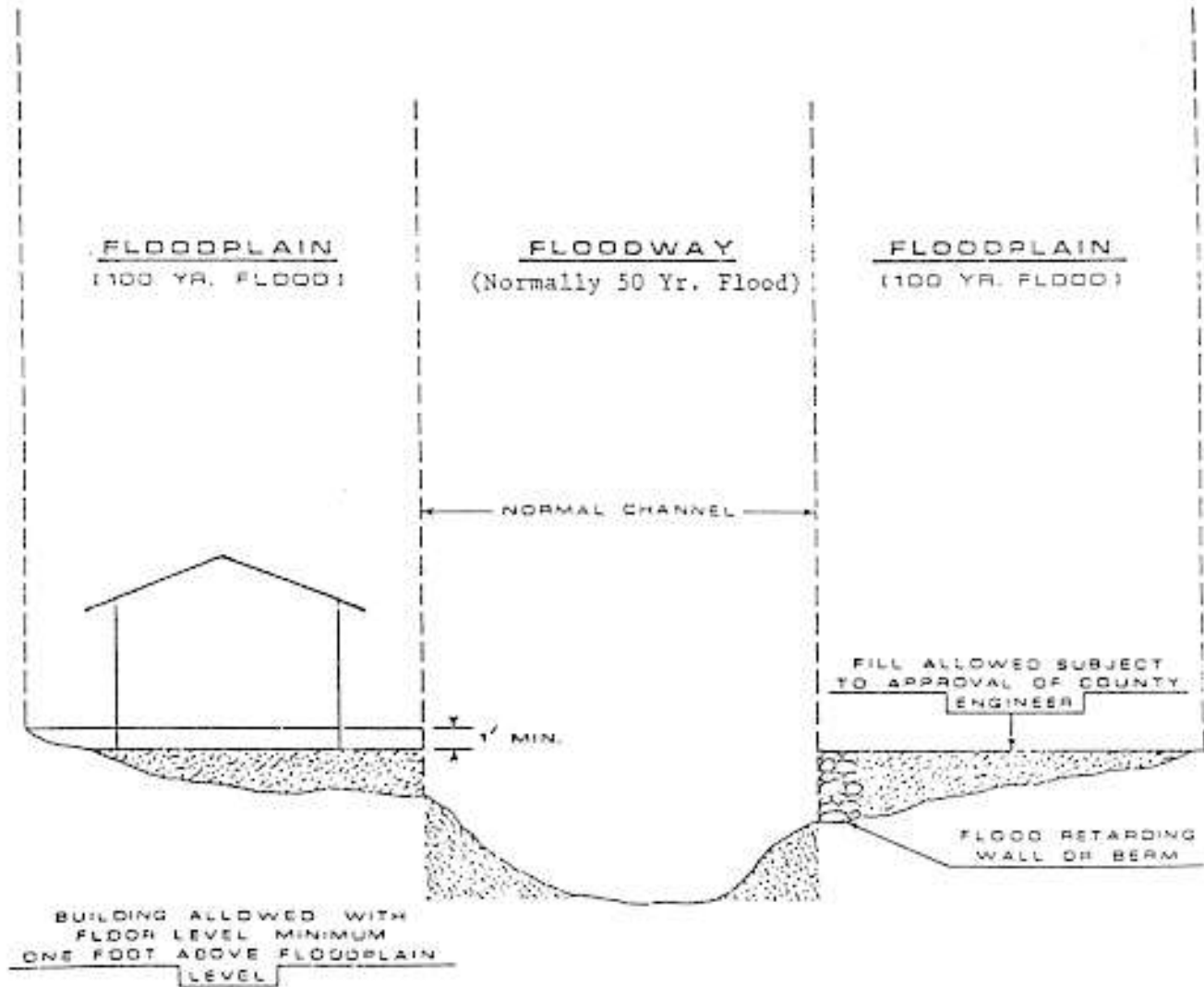
Section 23.1-8: Variance Procedure (Continued)

2. Variances may be issued for the repair, rehabilitation or restoration of Structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the Structure's continued designation as a Historic Structure and the Variance is the minimum necessary to preserve the historic character and design of the Structure.
3. Variances shall not be issued within any designated Floodway if any increase in Flood levels during the Base Flood discharge would result.
4. Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the Flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the Variance would result in exceptional hardship to the applicant;
 - c. a showing that the Use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 23.1-2 of this Ordinance in the definition of "Functionally Dependent Use"; and
 - d. A determination that the granting of a Variance will not result in increased Flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

D. Variance Review Timeframes

1. Administrative completeness pursuant to A.R.S. § 11-1605 shall be determined with 60 calendar days of the submittal of a Variance application. Applicants will be notified in writing of an incomplete application with a list of deficiencies. Notice in writing of application deficiencies shall suspend the administrative completeness timeframe until such time as all deficiencies have been addressed.
2. Substantive review of all Variance applications shall be completed with 120 calendar days from the determination that the Variance application is administratively complete. One written request for additional information may be made to the applicant during this review process. The substantive review includes investigation and report on the case, public hearing and action of the Floodplain Board. The applicant may waive the timeframe constraints on this review.
3. The total time for the granting or denying of the design review overlay approval is 180 days.
4. Timeframes are tolled and may be extended in accordance with A.R.S. §11-1601 et seq.

FPM - FLOODPLAIN MANAGEMENT ZONE



Section 23.2: Design Review Overlay Zone--DRO Zone

Section 23.2-1: Purposes

In order to protect and enhance the visual quality of certain areas of the County, the Board of Supervisors, upon recommendation by the Planning and Zoning Commission, may in addition to an existing zone classification as specified in this Ordinance, apply the Design Review Overlay Zone to such area to accomplish the following purposes:

- A. To ensure that the development, Buildings or Structures will conserve the values of adjacent properties and will not prove detrimental to the character of Buildings or Uses already established in the area.
- B. To ensure that the proposed development will be properly related to its Site and to surrounding Sites and Structures, and to prevent the construction of Structures that would be inharmonious with their surroundings.
- C. To ensure that Sites, projects and Structures subject to Design Review are developed with due regard for the environmental qualities of the natural terrain and landscape, and, that trees and shrubs are not indiscriminately destroyed.
- D. To ensure that the design and exterior architecture of proposed Structures will not be so at Variance with either the design or exterior architecture of the Structures already constructed or being constructed in the immediate neighborhood as to cause a substantial depreciation of property values in the neighborhood.
- E. To ensure that open spaces, parking areas, and Landscaping are designed to enhance the visual and physical use of the property and to screen deleterious Uses.
- F. To ensure that the proposed development complies with all of the provisions of this Ordinance and the goals and objectives of the Comprehensive Plan or any amendment or element thereof or specific plan for the area.

Section 23.2-2: Establishment and Application of Zones

- A. Upon application of the Design Review Overlay Zone to a specific area of the County, the Board of Supervisors, upon recommendation of the Planning and Zoning Commission, shall establish design guidelines for that area. Said guidelines may include exterior design, materials, textures, colors, and means of illumination.
- B. The provisions of this Section shall be applicable only to multiple-family developments, commercial or industrial establishments, and public or semi-public Uses and all Signs for such Uses.
- C. All development or redevelopment described in Subsection above, including Buildings, Structures, Signs, Landscaping, site layout and Use relationships, to be located within the Design Review Overlay Zone shall be first approved under the provisions of this Section by the Planning and Zoning Commission prior to the letting of permits for and/or initiation of such development. Redevelopment shall include, but not be limited to, any remodeling or change in appearance of the exterior of any Structure, or the appearance of any Site.

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Section 23.2-2: Establishment and Application of Zones (Continued)

- D. Approval of all development to be located within the Design Review Overlay Zone shall be based upon a finding by the Commission that such development conforms to the applicable design guidelines as required by Subsection A, above.
- E. Within the Design Review Overlay Zone, all Uses permitted in the underlying zone with which the DRO Zone is combined are permitted.

Section 23.2-3: Design Review Overlay Application Requirements

- A. The following information shall be submitted when applying for Design Review Overlay approval:
 - 1. A completed Coconino County Design Review Overlay application form including name and address of the applicant, name of contact person, phone number, fax number and email address, Assessor's Parcel Number, subdivision/unit/lot, site address/location, existing zoning, existing land use, proposed land use, lot size, permit pre-application meeting date, and property owner's authorization by their signature.
 - 2. Documentation shall be provided in a written description as well with supplemental data to show compliance with the specific guidelines of the adopted design review guidelines for the following communities: Kachina Village, Mountaineer, Oak Creek Canyon, Doney Park/Timberline/Fernwood, and the Fort Valley Highway 180 Scenic Corridor.
 - 3. A list of all owners of property located within three hundred feet (300') of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.
 - 4. Fifteen (15) copies of a site plan drawn to scale using accurate dimensions showing property boundaries; existing and proposed improvements and uses; locations of driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking areas including ingress and egress, traffic flow, and Easements.
 - 5. A copy of all recorded Easements applicable to the request shall be provided.
 - 6. Fifteen (15) copies of a landscape plan detailing the locations of existing vegetation (both to be retained and to be removed), the location and design of landscaped areas, the number, varieties and sizes of proposed plan materials and other landscape features including sprinkler and irrigation systems as required by Section 28: Landscaping.
 - 7. Fifteen (15) copies of architectural drawings including floor plans in sufficient detail to determine setback and parking requirements and elevations of all proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified. Color renderings or paint and material samples are required.
 - 8. Signage plan detailing all existing and proposed signs, including their location, size, materials, color and method of illumination as required by Section 26: Signs.

Section 23.2-3: Design Review Overlay Application Requirements (Continued)

9. Lighting plan including location of all outdoor lighting fixtures and description of each (i.e. lamp type, lumen output, shielding) as required by Section 27: Lighting.

Section 23.2-4: Administrative Approvals

Paint color, Landscaping, Signs, fencing and other minor improvements may be administratively approved by staff. A Design Review Overlay application is not required for an administrative approval which may be completed in conjunction with an associated lighting permit, Sign permit or Building Permit. Applicants may take any proposal directly to the Planning and Zoning Commission for review in lieu of an administrative decision.

Section 23.2-6: Design Review Overlay Approval Timeframes

- A. Administrative completeness pursuant to A.R.S § 11-605 shall be determined within 60 calendar days of the submittal of a Design Review Overlay application. Applicants will be notified in writing of an incomplete application with a list of deficiencies. Notice in writing of application deficiencies shall suspend the administrative completeness timeframe until such time as all deficiencies have been addressed.
- B. Substantive review of all Design Review Overlay applications shall be completed within 120 calendar days from the determination that the application is administratively complete. One written request for additional information may be made to the applicant during this review process. The substantive review includes investigation and report on the case. The substantive review timeframe is suspended during the public hearing process. The public hearing begins at the posting of the case and is complete upon mailing of the Design Review Overlay resolution per A.R.S § 11-1605 (c)(8)(c).
- C. The total time for the granting or denying of the Design Review Overlay approval is 180 days.
- D. Timeframes are tolled and may be waived in accordance with A.R.S. §11-1601 et seq.

Section 23.2-7: Investigation and Report

The Director of Community Development shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning and Zoning Commission and made available to the applicant prior to the public hearing.

Section 23.2-8: Action by the Planning and Zoning Commission

Within 45 days of the date the drawings are submitted, the Planning and Zoning Commission shall act on the proposal. Failure of the Commission to act within 45 days shall be deemed approval of the drawings unless the applicant shall consent to an extension of time.

Section 23.2-9: Effective Date of Design Review Decision

A decision of the Planning and Zoning Commission on a Design Review shall be effective immediately upon receipt by the Department of Community Development of a signed agreement to the conditions of approval; provided, however, that ~~the~~ an applicant or any other person may appeal said decision to the Board of Supervisors within fifteen (15) days from the date of such decision.

Section 23.2-10: Appeal to the Board of Supervisors

A decision of the Planning and Zoning Commission on a Design Review may be appealed to the Board of Supervisors as prescribed in Section 30.6-1 (Appeal of Decision of Planning and Zoning Commission).

Section 23.2-11: Action by Board of Supervisors on Appeal

The Board of Supervisors shall hold at least one public hearing on a decision of the Planning and Zoning Commission which has been appealed per the requirements of Section 30.6-3.

Section 23.2-12: Lapse of Design Review Approval

Design Review approval shall lapse and shall be void one year following the date upon which the plans and drawings were approved unless prior to the expiration of one year a Building Permit is issued and construction is commenced and diligently pursued toward completion.